

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 23-20431-CR-HUCK/TORRES

18 U.S.C. § 1201(a)(1)
18 U.S.C. § 1201(c)
18 U.S.C. § 924(e)(1)(A)
18 U.S.C. § 981(a)(1)(C)
18 U.S.C. § 924(d)(1)

UNITED STATES OF AMERICA

vs.

JAMES EDWARD DANIELS,
a/k/a "45,"
HERBERT BARR, and
FREDERICK EUGENE RUDOLPH,
a/k/a "Pops,"

FILED BY SAL D.C.

Nov 2, 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - Magistrate Miami

Defendants.

INDICTMENT

The Grand Jury charges that:

COUNT 1
Conspiracy to Kidnap Resulting in Death
(18 U.S.C. § 1201(c))

Beginning at least as early as in and around January 2020, and continuing through in or around December 2020, the exact dates being unknown to the Grand Jury, in Miami-Dade County, in the Southern District of Florida, the defendants,

JAMES EDWARD DANIELS,
a/k/a "45,"
HERBERT BARR, and
FREDERICK EUGENE RUDOLPH,
a/k/a "Pops,"

did knowingly and willfully combine, conspire, confederate, and agree with each other and with others known and unknown to the Grand Jury, to commit an offense against the United States, that

is, to unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away and hold any person, that is Victim-1, Victim-2, and Victim-3, for reward and otherwise, and did use any means, facility, and instrumentality of interstate commerce, that is, a cellular device and a motor vehicle, in furtherance of this offense, in violation of Title 18, United States Code, Section 1201(a).

OBJECT OF THE CONSPIRACY

It was the purpose and object of the conspiracy for the defendants and their co-conspirators to unlawfully enrich themselves by obtaining United States currency and controlled substances in exchange for robbing, seizing, kidnapping, abducting, and carrying away Victim-1, Victim-2, and Victim-3, and killing and attempting to kill Victim-1, Victim-2, and Victim-3.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its purpose, at least one of the conspirators committed and caused to be committed, in the Southern District of Florida, at least one of the following overt acts, among others:

1. On or about December 3, 2020, **JAMES EDWARD DANIELS** and another individual rented a Toyota Rav-4 bearing Florida license plate number EVLJ89 and Vehicle Identification Number ending in 0153 (“the Rav-4”).
2. On or about December 4, 2020, **JAMES EDWARD DANIELS** met with other co-conspirators, including co-conspirator 1, in the vicinity of 410 W 84th Street, Hialeah, Florida to discuss their plan to steal property from Victim-1, Victim-2, and Victim-3 (collectively, “the Victims”).
3. On or about December 5, 2020, **JAMES EDWARD DANIELS, HERBERT BARR, and FREDERICK EUGENE RUDOLPH** communicated with each other and their co-

conspirators, including co-conspirator 1, via cellular telephone in furtherance of their plan to steal property from and kidnap the Victims.

4. On or about December 5, 2020, **FREDERICK EUGENE RUDOLPH** and co-conspirator 1 used the Rav-4 to facilitate the rental of a U-Haul van bearing Arizona license plate number AJ79460 and Vehicle Identification Number ending in 3803 (“the U-Haul”).

5. On or about December 5, 2020, **JAMES EDWARD DANIELS, FREDERICK EUGENE RUDOLPH**, and other co-conspirators, including co-conspirator 1, stole property from the Victims at 13052 NW 43rd Avenue, Opa-Locka, Florida.

6. On or about December 5, 2020, **JAMES EDWARD DANIELS, FREDERICK EUGENE RUDOLPH**, and other co-conspirators, including co-conspirator 1, abducted the Victims and placed the Victims in the U-Haul and drove them away from 13052 NW 43rd Avenue, Opa-Locka, Florida.

7. On or about December 5, 2020, **JAMES EDWARD DANIELS** assaulted Victim-1 while Victim-1 was restrained in the back of the U-Haul.

8. On or about December 5, 2020, **HERBERT BARR** drove the U-Haul containing the Victims throughout parts of Miami-Dade County, Florida.

9. On or about December 5, 2020, **JAMES EDWARD DANIELS, HERBERT BARR, FREDERICK EUGENE RUDOLPH**, and other co-conspirators, including co-conspirator 1 and co-conspirator 2, threatened the Victims, or caused the Victims to be threatened, with serious bodily injury and death.

10. On or about December 5, 2020, **JAMES EDWARD DANIELS, HERBERT BARR**, and co-conspirator 2 transported the Victims to an abandoned property located at 1801 Rutland Street, Opa-Locka, Florida.

11. On or about December 5, 2020, co-conspirator 2 shot the Victims in the head at 1801 Rutland Street, Opa-Locka, Florida, resulting in the death of Victim-1 and Victim-2.

12. In or around December 2020, co-conspirators, including co-conspirator 1, gave **JAMES EDWARD DANIELS, HERBERT BARR, and FREDERICK EUGENE RUDOLPH** money and/or controlled substances as payment for their participation in stealing property from and kidnapping the Victims.

All in violation of Title 18, United States Code, Section 1201(c).

COUNT 2
Kidnapping Resulting in Death
(18 U.S.C. § 1201(a)(1))

On or about December 5, 2020, in Miami-Dade County, in the Southern District of Florida, the defendants,

**JAMES EDWARD DANIELS,
a/k/a “45,”
HERBERT BARR, and
FREDERICK EUGENE RUDOLPH,
a/k/a “Pops,”**

did willfully and unlawfully seize, confine, kidnap, abduct, and carry away and hold any person, that is, Victim-1, for reward and otherwise, and did use any means, facility, and instrumentality of interstate commerce, that is, a cellular device and a motor vehicle, in furtherance of this offense, in violation of Title 18, United States Code, Sections 1201(a)(1) and 2.

It is further alleged that death resulted to Victim-1 as a result of this offense, in violation of Title 18, United States Code, Section 1201(a).

COUNT 3
Kidnapping Resulting in Death
(18 U.S.C. § 1201(a)(1))

On or about December 5, 2020, in Miami-Dade County, in the Southern District of Florida, the defendants,

**JAMES EDWARD DANIELS,
a/k/a “45,”
HERBERT BARR, and
FREDERICK EUGENE RUDOLPH,
a/k/a “Pops,”**

did willfully and unlawfully seize, confine, kidnap, abduct, and carry away and hold any person, that is, Victim-2, for reward and otherwise, and did use any means, facility, and instrumentality of interstate commerce, that is, a cellular device and a motor vehicle, in furtherance of this offense, in violation of Title 18, United States Code, Sections 1201(a)(1) and 2.

It is further alleged that death resulted to Victim-2 as a result of this offense, in violation of Title 18, United States Code, Section 1201(a).

COUNT 4
Kidnapping
(18 U.S.C. § 1201(a)(1))

On or about December 5, 2020, in Miami-Dade County, in the Southern District of Florida, the defendants,

**JAMES EDWARD DANIELS,
a/k/a “45,”
HERBERT BARR, and
FREDERICK EUGENE RUDOLPH,
a/k/a “Pops,”**

did willfully and unlawfully seize, confine, kidnap, abduct, and carry away and hold any person, that is, Victim-3, for reward and otherwise, and did use any means, facility, and instrumentality of

interstate commerce, that is, a cellular device and a motor vehicle, in furtherance of this offense, in violation of Title 18, United States Code, Sections 1201(a)(1) and 2.

COUNT 5

**Brandishing and Discharging a Firearm in Furtherance of a Crime of Violence
(18 U.S.C. §§ 924(c)(1)(A)(ii) and (iii))**

On or about December 5, 2020, in Miami-Dade County, in the Southern District of Florida, the defendants,

**JAMES EDWARD DANIELS,
a/k/a “45,”
HERBERT BARR, and
FREDERICK EUGENE RUDOLPH,
a/k/a “Pops,”**

did knowingly use and carry a firearm in furtherance of a crime of violence, and did knowingly possess a firearm in furtherance of a crime of violence, an offense for such the defendants may be prosecuted in a court of the United States, that is, a violation of Title 18, United States Code, Section 1201(a), as charged in Count 2 of this Indictment relating to Victim-1, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

Pursuant to Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 924(c)(1)(A)(iii), it is further alleged that the firearm was brandished and discharged.

COUNT 6

**Brandishing and Discharging a Firearm in Furtherance of a Crime of Violence
(18 U.S.C. §§ 924(c)(1)(A)(ii) and (iii))**

On or about December 5, 2020, in Miami-Dade County, in the Southern District of Florida, the defendants,

**JAMES EDWARD DANIELS,
a/k/a “45,”
HERBERT BARR, and
FREDERICK EUGENE RUDOLPH,
a/k/a “Pops,”**

did knowingly use and carry a firearm in furtherance of a crime of violence, and did knowingly possess a firearm in furtherance of a crime of violence, an offense for such the defendants may be prosecuted in a court of the United States, that is, a violation of Title 18, United States Code, Section 1201(a), as charged in Count 3 of this Indictment relating to Victim-2, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

Pursuant to Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 924(c)(1)(A)(iii), it is further alleged that the firearm was brandished and discharged.

COUNT 7
Brandishing and Discharging a Firearm in Furtherance of a Crime of Violence
(18 U.S.C. §§ 924(c)(1)(A)(ii) and (iii))

On or about December 5, 2020, in Miami-Dade County, in the Southern District of Florida, the defendants,

**JAMES EDWARD DANIELS,
a/k/a “45,”
HERBERT BARR, and
FREDERICK EUGENE RUDOLPH,
a/k/a “Pops,”**

did knowingly use and carry a firearm in furtherance of a crime of violence, and did knowingly possess a firearm in furtherance of a crime of violence, an offense for such the defendants may be prosecuted in a court of the United States, that is, a violation of Title 18, United States Code, Section 1201(a), as charged in Count 4 of this Indictment relating to Victim-3, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

Pursuant to Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 924(c)(1)(A)(iii), it is further alleged that the firearm was brandished and discharged.

FORFEITURE ALLEGATIONS

1. The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendants, **JAMES EDWARD DANIELS, a/k/a "45," HERBERT BARR, and FREDERICK EUGENE RUDOLPH, a/k/a "Pops,"** have an interest.

2. Upon conviction of a violation of Title 18, United States Code, Section 1201, as alleged in this Indictment, the defendants shall forfeit to the United States any property, real or personal, which constitutes or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

3. Upon a conviction of a violation of Title 18, United States Code, Section 924(c), or any other criminal law of the United States, as alleged in this Indictment, the defendants shall forfeit to the United States any firearm and ammunition involved in or used in the commission of such offense, pursuant to Title 18, United States Code, Section 924(d)(1).

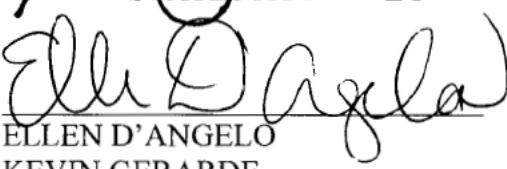
All pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 924(d)(1), and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL | 


FOREPERSON



MARKENZY LAPOINTE
UNITED STATES ATTORNEY



ELLEN D'ANGELO
KEVIN GERARDE
ASSISTANT UNITED STATES ATTORNEYS

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA

CASE NO.: _____

v.

JAMES EDWARD DANIELS,
a/k/a "45," et al.,

Defendants /

Court Division (select one)

Miami Key West FTP
 FTL WPB

CERTIFICATE OF TRIAL ATTORNEY

Superseding Case Information:

New Defendant(s) (Yes or No)

Number of New Defendants

Total number of counts

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
 2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.
 3. Interpreter: (Yes or No) No
List language and/or dialect: _____
 4. This case will take 14 days for the parties to try.
 5. Please check appropriate category and type of offense listed below:
(Check only one) (Check only one)
I 0 to 5 days Petty
II 6 to 10 days Minor
III 11 to 20 days Misdemeanor
IV 21 to 60 days Felony
V 61 days and over
 6. Has this case been previously filed in this District Court? (Yes or No) No
If yes, Judge _____ Case No. _____
 7. Has a complaint been filed in this matter? (Yes or No) No
If yes, Magistrate Case No. _____
 8. Does this case relate to a previously filed matter in this District Court? (Yes or No) Yes
If yes, Judge Altonaga Case No. 22-20330-CR-CMA
 9. Defendant(s) in federal custody as of _____
 10. Defendant(s) in state custody as of _____
 11. Rule 20 from the _____ District of _____
 12. Is this a potential death penalty case? (Yes or No) Yes
 13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? (Yes or No) No
 14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) No
 15. Did this matter involve the participation of or consultation with now Magistrate Judge Eduardo I. Sanchez during his tenure at the U.S. Attorney's Office, which concluded on January 22, 2023? No

By:

Ellen D'Angelo
Ellen D'Angelo
Assistant United States Attorney
Court ID No. A5502579

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JAMES EDWARD DANIELS, a/k/a "45"

Case No: _____

Count #: 1

Conspiracy to Commit Kidnapping

Title 18, United States Code, Section 1201(c)

* Max. Term of Imprisonment: Life Imprisonment

* Mandatory Min. Term of Imprisonment (if applicable): None

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

Counts #: 2-3

Kidnapping Resulting in Death

Title 18, United States Code, Section 1201(a)(1)

* Max. Term of Imprisonment: Death Penalty

* Mandatory Min. Term of Imprisonment (if applicable): Life Imprisonment

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

Count #: 4

Kidnapping

Title 18, United States Code, Section 1201(a)(1)

* Max. Term of Imprisonment: Life imprisonment

* Mandatory Min. Term of Imprisonment (if applicable): None

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JAMES EDWARD DANIELS, a/k/a "45"

Case No: _____

Counts #: 5-7

Brandishing and Discharging a Firearm in Furtherance of a Crime of Violence

Title 18, United States Code, Sections 924(c)(1)(A)(ii) and (iii)

* Max. Term of Imprisonment: Life imprisonment

* Mandatory Min. Term of Imprisonment (if applicable): 10 years

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: HERBERT BARR

Case No: _____

Count #: 1

Conspiracy to Commit Kidnapping

Title 18, United States Code, Section 1201(c)

* Max. Term of Imprisonment: Life Imprisonment

* Mandatory Min. Term of Imprisonment (if applicable): None

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

Counts #: 2-3

Kidnapping Resulting in Death

Title 18, United States Code, Section 1201(a)(1)

* Max. Term of Imprisonment: Death Penalty

* Mandatory Min. Term of Imprisonment (if applicable): Life Imprisonment

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

Count #: 4

Kidnapping

Title 18, United States Code, Section 1201(a)(1)

* Max. Term of Imprisonment: Life imprisonment

* Mandatory Min. Term of Imprisonment (if applicable): None

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: HERBERT BARR

Case No: _____

Counts #: 5-7

Brandishing and Discharging a Firearm in Furtherance of a Crime of Violence

Title 18, United States Code, Sections 924(c)(1)(A)(ii) and (iii)

* Max. Term of Imprisonment: Life imprisonment

* Mandatory Min. Term of Imprisonment (if applicable): 10 years

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

*Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: FREDERICK EUGENE RUDOLPH, a/k/a "Pops"

Case No: _____

Count #: 1

Conspiracy to Commit Kidnapping

Title 18, United States Code, Section 1201(c)

* Max. Term of Imprisonment: Life Imprisonment

* Mandatory Min. Term of Imprisonment (if applicable): None

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

Counts #: 2-3

Kidnapping Resulting in Death

Title 18, United States Code, Section 1201(a)(1)

* Max. Term of Imprisonment: Death Penalty

* Mandatory Min. Term of Imprisonment (if applicable): Life Imprisonment

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

Count #: 4

Kidnapping

Title 18, United States Code, Section 1201(a)(1)

* Max. Term of Imprisonment: Life imprisonment

* Mandatory Min. Term of Imprisonment (if applicable): None

* Max. Supervised Release: up to 5 years

* Max. Fine: \$250,000

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: FREDERICK EUGENE RUDOLPH, a/k/a "Pops"

Case No: _____

Counts #: 5-7

Brandishing and Discharging a Firearm in Furtherance of a Crime of Violence

Title 18, United States Code, Sections 924(c)(1)(A)(ii) and (iii)

*** Max. Term of Imprisonment: Life imprisonment**

*** Mandatory Min. Term of Imprisonment (if applicable): 10 years**

*** Max. Supervised Release: up to 5 years**

*** Max. Fine: \$250,000**

***Refers only to possible term of incarceration, supervised release and fines. It does not include restitution, special assessments, parole terms, or forfeitures that may be applicable.**